

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87274 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- ANGARH District- Purnia

Md. Nurshed Alam, S/o Md. Muslim R/o- Peepal Tola, P.S.- Angarh, Distt-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Fazle Karim, Advocate
		Mr. Sanjay Sinha, Advocate
For the Opposite Party/s :		Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 25-06-2020 Heard Mr. Fazle Karim, learned counsel for
the petitioner and Mr. Anant Kumar-1, learned APP for
the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Angarh P.S. Case No. 14 of
2019 dated 30.06.2019 instituted for the offences under
Sections 302 and 34 of the Indian Penal Code.

The wife of the deceased has lodged the FIR
alleging that four persons out of whom two were
identified by her as Abu Hayat and Abu Kalam who killed
her husband and also injured her.

The petitioner is the own brother of the
informant of this case.

During the course of investigation, it has
come to light through the mouth of the spy that the



deceased was a tyrant of the area and headed a group called 'Khunkhuniah'. He also used to mediate the dispute between the parties in his own inimitable way. Because of his headstrongness, many persons of the locality had become his enemy. Since the deceased stayed in his in-laws house, he was also not on good terms with the petitioner. As a result of these set of facts, it was inferred by the spy that perhaps the petitioner could have his hand in killing the deceased. Such information have been collected in paragraph 111 and 118 of the case diary. The CDR report also discloses telephonic talk between some of the accused persons and the petitioner. One Abu Hayat who has been identified as one of the assailants of the deceased, has made a confession in which he has named the petitioner.

Learned counsel for the petitioner, therefore, submits that the deceased himself was a criminal who had invited the wrath of many people of the locality. It is only because of the sour relationship between him and the deceased that such an accusing finger has been pointed towards him.

All said and done, the only material against the petitioner, therefore, is the inference derived by the local spy of the police. These materials, it has been urged, would not constitute sufficient evidence to put the



petitioner behind the bars. The petitioner is also willing to provide all assistance in the investigation or ensuing legal proceeding in this case.

Considering the aforesaid set of facts and taking into account the clean antecedent of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Purnea in connection with Angarh P.S. Case No. 14 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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